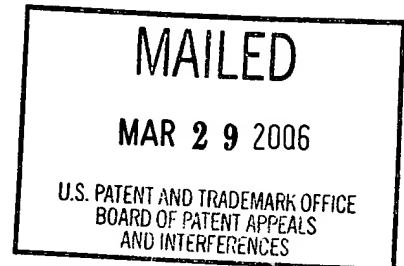# UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

<u>Ex parte</u> CHARLES CHI JIA, CINDY SANSOM-WAI
and LAURA X. ZHOU

Appeal No. 2006-0747
Application No. 09/845,869

ON BRIEF

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before HAIRSTON, BARRETT, and BARRY, <u>Administrative Patent Judges</u>.

HAIRSTON, <u>Administrative Patent Judge</u>.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 2, 5 through 8, 12 through 17 and 19 through 29.

The disclosed invention relates to a method and apparatus for automatically generating a framed digital image around an unframed digital image.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for automatically generating a framed didgital image, comprising:

analyzing a portion of a first data set representing pixels of an unframed digital image so as to identify a plurality of image components each corresponding to a spatial region of the pixels;

independently analyzing each of the image components to determne a set of component characteristics for the corresponding image component;

collectively analyzing the plurality of sets of component characteristics to determine overall image characteristics indicative of subject matter of the unframed image;

analyzing the overall image characteristics to determine an image category corresponding to the subject matter;

determining at least one frame attribute by applying framing rules for the image category to the overall image characteristics; and

generating a second data set representing pixels of the framed digital image, the second data set defining a representation of the unframed digital image surrounded by a frame having the at least one frame attribute.

The references relied on by the examiner are:

Jamzadeh et al. (Jamzadeh '348)	5,140,348	Aug. 18, 1992
Connors	5,600,412	Feb. 4, 1997
Jamzadeh (Jamzadeh '578)	5,889,578	Mar. 30, 1999

Claims 1, 2, 5 through 8, 12 through 17, 19, 20 and 22 through 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jamzadeh '348 in view of Jamzadeh '578.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jamzadeh '348 in view of Jamzadeh '578 and Connors.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejections of claims 1, 2, 5 through 8, 12 through 17 and 19 through 29.

According to the examiner's findings (answer, page 3), Jamzadeh '348 discloses the last two steps in claim 1, but "is silent [as] to the particular analyses (i.e. the four analyzing steps) for ascertaining the image category and framing the image based on its category."

We agree with the examiner's finding that Jamzadeh '348 discloses the last two steps of claim 1. On the other hand, we disagree with the examiner's finding that Jamzadeh '348 is silent as to the first three steps set forth in claim 1.

Broadly speaking, Jamzadeh '348 performs an analysis on a portion of a first data set representing pixels of an unframed digital image by identifying a plurality of image components (i.e., pixels of the image) with each pixel corresponding to a spatial region of the pixels (column 4, lines 53 through 55). Jamzadeh '348 independently analyzes each of the image components (i.e., pixels) to determine a set of component characteristics for the corresponding image components (e.g., color of each pixel), and then collectively analyzes the plurality of sets of component characteristics to determine overall image characteristics (e.g., dominant color among the pixels) indicative of subject matter of the unframed image (Figure 6; column 4, line 28 through column 5, line 22). Thereafter, the logic and control unit 30 in Jamzadeh '348 determines a frame attribute (e.g., brightness, hue or saturation of the dominant border color) without the benefit of an intervening step of determining "an image category" based upon the overall image characteristics determined supra (column 5, lines 10 through 22).

Turning to the teachings of Jamzadeh '578, we agree with the appellants' argument (brief, page 9) that "[t]he Jamzadeh '578 reference is not directed to the problem of framing an image at all, but rather to 'classifying . . . images on a roll of film so that a photographer can describe and identify to the photofinisher the type of images

of interest to the photographer and to identify which images by category on the roll of film are to receive certain customer requested procedures such as multiple prints, enlargements or no printing of that image at all' (Abstract)." Since Jamzadeh '578 is silent as to all of the claimed steps of generating a framed digital image, and Jamzadeh '348 is silent as to the claimed step of determining "an image category," we agree with the appellants' argument (brief, page 15) that "the applied references, alone or in combination, do not teach or suggest all of Appellants' claim limitations."

In summary, the obviousness rejection of claims 1, 2, 5 through 8, 12 through 17, 19, 20 and 22 through 29 is reversed.

The obviousness rejection of claim 21 is reversed because the frame generation teachings of Connors fail to cure the noted shortcoming in the teachings of Jamzadeh '348 and Jamzadeh '578.

DECISION

The decision of the examiner rejecting claims 1, 2, 5 through 8, 12 through 17 and 19 through 29 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON
Administrative Patent Judge

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